IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 19304 of 2004

Between:

1.T.Jalandar S/o Venkatappa
D.No.2/199, T.Sunupalli Village and Mandal,
Cuddapah District
2.P.Sudhakar S/o Kammaiah
R/o D.NO. 2/255, T.Sunupalli Village and Mandal,
Cuddapah District
3.B.Venkataswamy S/o Siddanna
Burraladinnepalli, T.Sunupalli Village and Mandal,
Cuddapah District
4.N.Narayana S/o Hanumanathu
D.No.2/254 T.Sunupalli Village and Mandal,
Cuddapah District
5.K.Gangoji W/o Late
D.No.2/256 T.Sunupalli Village and Mandal,
Cuddapah District
6.T.Ramanjulamma W/o T.Raja
D.No.2/321, Krishna Nagar, T.Sunupalli Village and Mandal,
Cuddapah District

..... PETITIONERS

AND

1 The District Collector Cuddapah ,
Cuddapah District.
2 The Joint Collector, Cuddapah
Cuddapah District,.
3 The Revenue Divisional Officer Cuddapah ,
Cuddapah District.

4 The Mandal Revenue Officer T.Sunduaplli Mandal
Cuddapah District.
5 Smt.S.Rahajan w/o Lata Mahaboob Basha
T.Sundupalli, R/o Near Ravi Pitcure Palce, Rayachoty Town & Mandal
Cuddpah District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the proceedings in Ref.C/353/2004, dt. 07/09/2004 issued by the 3rd respondent as arbitrary, illegal, discriminatory, collusive, contrary to the enquiry report of the 4th respondent and also contrary to the provisions of the AP. Scheduled Commodities Dealers'(Licensing and Distribution) Order, 1982 apart from violative of the fundamental rights guaranteed to the petitioner under Art.14 and 21 of the constitution of India and consequently set aside the same

Counsel for the Petitioners: MR.V.R.REDDY KOVVURI

Counsel for the Respondent Nos.1 to 4: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.5: ----

The Court at the admission stage made the following:

ORDER:

Petitioners claim to be the residents of T.Sundupalli village and Mandal, Kadapa District. The fifth respondent herein is the dealer of the Fair Price Shop of the said village. It appears that on certain allegations, proceedings were initiated against the fifth respondent and though initially authorisation was suspended, ultimately the Revenue Divisional Officer by order dated 07-09-2004 restored the authorisation by imposing a penalty of Rs.1,000/-. The said order was challenged by the petitioners herein by filing W.P.No.17517 of 2004. This Court disposed of the said writ petition by order dated

29.09.2004 granting leave and liberty to the petitioners to work out the appropriate remedy as available under law. In pursuance thereof, the petitioners filed an appeal before the Joint Collector, Kadapa. The Joint Collector having entertained the appeal by order dated 13.10.2004 rejected the application for stay. Now, this writ petition is filed challenging the very same proceedings dated 07-09-2004, contending inter alia that if the authorisation of the 5th respondent is restored, the cardholders of the villages, including the petitioners will be put to grave hardship.

I have heard the learned counsel for the petitioners and the learned Government Pleader for Civil Supplies appearing for the respondents 1 to 4.

The learned counsel for the petitioner vehemently contended that in view of the very grave allegations made against the fifth respondent, there is absolutely no justifiable reason for restoring the authorisation of the fifth respondent.

Since the statutory appeal is pending, I am not inclined to express any opinion on merits. The impugned order being an interim order pending the appeal before the Joint Collector, does not warrant any interference in exercise of jurisdiction under Article 226 of the Constitution of India.

Accordingly, the writ petition is disposed of with a direction to the 2nd respondent - Joint Collector to dispose of the appeal pending on his file as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. No costs.

_____

14.10.2004

VGB

To

1 The District Collector Cuddapah ,
Cuddapah District.
2 The Joint Collector, Cuddapah
Cuddapah District,.
3 The Revenue Divisional Officer Cuddapah ,
Cuddapah District.
4 The Mandal Revenue Officer T.Sunduaplli Mandal
Cuddapah District.

5 2CCs to the Government Pleader for Civil Supplies, High Court

Buildings, Hyderabad (OUT)

6 2CD copies